

before the Committee. He understood that that was so, and the Committee was already familiar with a great many of the facts. It was very undesirable to lengthen the proceedings if they could be treated shortly.

Counsel retired, and the Committee deliberated on the point. After deliberation, counsel were recalled, and the Chairman said the Committee had decided to commence *de novo*. Counsel would probably very much shorten the case by their knowledge of it.

Mr. F. D. RICH, having been sworn, was examined.

17. *Mr. Chapman.*] This statement you have already made: you confirm that?—Yes.

18. Do you wish to add anything to that?—I think not. There is some further cross-examination that has not been published. [Statement put in: *vide* Appendix.]

Mr. W. H. WILLIAMS, Manager, Shag Point Coal-Mining Company, examined on oath.

19. *Mr. Chapman.*] How long have you been engaged as a coal-mine manager?—Since December, 1869.

20. Where were you engaged before you went to Shag Point?—At the Bay of Islands Coal Company.

21. Was that a large mine: were the operations extensive?—Yes.

22. You received your appointment at Shag Point, when?—In 1878.

23. You know the position of all the workings at Shag Point?—Yes.

24. When did you commence working under the license granted by the Commissioner of Crown Lands at Dunedin?—The license was granted in 1882.

25. In those workings there is an upper seam and a lower seam?—In one part.

26. What was the extent of the workings in the upper seam?—In the submarine workings, you mean?

27. Yes?—Somewhere about ten acres.

28. What is the total extent of the workings in the upper seam which is below sea-level? By "submarine" I understand you to mean beyond high- or low-water mark?—About two-thirds of the ten acres are below high-water mark. Part of the license was above high-water mark. The line of the lease ends about a chain above high-water mark.

29. When did Mr. Binns first communicate with you with reference to the closing of the submarine workings?—In January, 1883.

30. What was the nature of his communication?—He said he was afraid the coal being taken out was too much for the safety of the mine. He thought I was taking out too much coal.

31. What further passed between you?—I told him that wherever he considered I was taking out too much coal, if he gave me an order to stop, I would do so.

32. Did he go through any of the workings with you?—Yes.

33. On that occasion or on previous occasions?—On all the occasions he visited the mine I went through with him, with very few exceptions.

34. Did he ever give you any directions with reference to the seaward working held under the license?—No.

35. Had you any directions or instructions from Mr. Binns on the subject of working the mine?—Not previous to the time you are asking me about now.

36. Not previous to January?—No.

37. When did you have any instructions?—By letter, dated the 14th February.

38. That was some time after he had spoken to you, and you had offered to cease working for coal wherever he directed you?—Yes. When he spoke to me about stopping taking out coal he also mentioned at the same time that he might have to stop all operations, and let the mine fill with water.

39. When did he first say that?—I have not the date. This was in conversation at the mine.

40. In what month was it?—In January.

41. He spoke of stopping all operations, and letting the mine fill with water?—Yes; and further, that he would have to let the mine fill with water as a support to the roof. I argued with him on the folly of allowing the water to come in, and pointed out the nature of the cover of the roof. I said I would do anything; would stop taking out coal wherever he directed; would do anything rather than stop the pumping; that wherever he considered a weak place I would put in a stone pack, wood pack, or a brick-and-mortar pack, if desired, rather than stop pumping.

42. What is the effect of putting in stone packs or wood packs?—To support roofs.

43. You protested strongly against letting the water into the mine?—Yes.

44. Was that in the first conversation with him, or not?—When he first broached the subject of letting in the water.

45. Did you, on that occasion, point out to him what would be the effect of so doing?—Yes; very strongly.

46. And what did you say would be the effect of so doing?—I told him that the effect would be that, as the water rose, it would ruin the submarine workings, and when the water rose to a certain height in the shaft it would also ruin the lower-seam workings.

47. These lower-seam workings are underlying a portion of the upper-seam workings?—Yes.

48. And as the water rose it would cover a portion?—Yes; it would cover the whole of them.

49. What did you tell him, in your opinion, the effect would be upon the roof of the upper-seam workings?—I told him the effect would be, instead of supporting the roof it would bring it away, and also called his attention to the fact that while we were driving out we had almost always to keep up the roof while the water was in it; but if we drained it we could work the other portion of the mine, because it was dry and hard.

50. When you drove through it and drained it the roof became hard?—Yes.

51. And is that generally your experience in these matters?—Totally. Whenever there is water